

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

In Re:

**MARC R. LABGOLD,

Debtor.**

**Case No.: 13-13389-BFK

Chapter 7**

DONALD F. KING, TRUSTEE

**Plaintiff,

v.**

**MARC R. LABGOLD and
TARYN M. LABGOLD,

Defendants.**

Adversary Proc. No.: 14-01018-BFK

ANSWER TO COMPLAINT TO AVOID TRANSFER OF REAL PROPERTY

Debtor, Marc R. Labgold, by and through his undersigned counsel, hereby answers Plaintiff's Complaint Objecting to Discharge as follows:

1. Paragraph 1 states legal conclusions to which no responses are required.
2. Admitted.
3. Paragraph 3 states a legal conclusion to which no response is required.
4. Admitted.
5. Denied.
6. Debtor admits that he transferred an undivided interest in the identified property to Defendant and himself as tenants by the entirety. Debtor denies the remaining allegations of Paragraph 6.
7. Paragraph 7 does not require any response. To the extent Paragraph 7 is deemed

to require a response, Debtor incorporates the responses set forth in Paragraphs 1 through 6 in their entirety.

8. Denied.

9. Denied.

10. Paragraph 10 is an attempt to characterize the contents of a document, which speaks for itself and to which no response is required.

11. Admitted.

12. Admitted.

13. Denied.

14. Admitted.

15. Paragraph 15 does not require any response. To the extent Paragraph 15 is deemed to require a response, Debtor incorporates the responses set forth in Paragraphs 1 through 14 in their entirety.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Admitted.

21. Debtor denies each and every allegation not expressly admitted herein.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Debtor's spouse has paid consideration for her interest in the home by contributing funds towards the mortgage and upkeep over period of time spanning approximately nine years prior to the transfer.

Third Affirmative Defense

The transfer was done as legitimate estate planning and on the advice of counsel.

Fourth Affirmative Defense

Debtor was not insolvent at the time of the transfer, was not in arrears, was gainfully employed and could have paid any judgment against him in any litigation that was pending at the time of transfer.

Fifth Affirmative Defense

There was little, if any, equity in the property at issue on the date of transfer.

Sixth Affirmative Defense

Neither Debtor, nor Defendant, ever intended to mislead anyone with regard to the fact that the transfer had occurred. Debtor omitted it in response to a question due to a simple misunderstanding of the question.

Seventh Affirmative Defense

Debtor reserves the right to assert additional defenses based upon further investigation or discovery.

WHEREFORE, Debtor prays this Honorable Court:

- a. Enter judgment against Plaintiff and in favor of Debtor and Defendant on all counts; and
- b. Grant Debtor and Defendant such further relief as the Court deems just and proper.

February 27, 2014

MARC R. LABGOLD
DEBTOR/DEFENDANT

Respectfully Submitted By:

/S/Linda D. Regenhardt

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Counsel for Debtor/Defendant

Certificate of Service

I hereby certify that I caused a copy of the foregoing Answer to be sent via first class mail to the following parties this 27th Day of February, 2014:

Donald F. King, Esq.
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/S/ Linda D. Regenhardt

Linda D. Regenhardt